

# **EXHIBIT P**

AO88 (Rev. 12/06) Subpoena in a Civil Case

Issued by the  
**UNITED STATES DISTRICT COURT**

\_\_\_\_\_  
 Northern DISTRICT OF California

Securities and Exchange Commission

**SUBPOENA IN A CIVIL CASE**

V.

Kent H. Roberts

Case Number: C-07-4580 MHP

TO: Custodian of Records  
 Howrey LLP

1950 University Avenue, 4th Floor, East Palo Alto, CA 94303

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Cooley Godward Kronish LLP, 5 Palo Alto Square, 3000  
 El Camino Real, Palo Alto, CA 94306

DATE AND TIME

November 19, 2007  
 9:00 a.m.

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Exhibit A

PLACE

Cooley Godward Kronish LLP, 5 Palo Alto Square, 3000  
 El Camino Real, Palo Alto, CA 94306

DATE AND TIME

November 19, 2007  
 9:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Defendant

November 2, 2007

ISSUING OFFICER'S NAME ADDRESS AND TELEPHONE NUMBER

Einat Sandman, Cooley Godward Kronish LLP, 5 Palo Alto Square, 3000 El Camino  
 Real, Palo Alto, CA 94306 (650) 843-5000

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page.)

If action is pending in district other than district of issuance, state district under case number.

AO-88

**EXHIBIT A**

**SUBPOENAED DOCUMENTS TO BE PRODUCED BY HOWREY LLP**

**I. DEFINITIONS.**

1. The terms "DOCUMENT," "DOCUMENTS," or "DOCUMENTS AND THINGS," mean documents and electronically stored information as broadly defined in Fed. R. Civ. P. 34(a) of the Federal Rules of Civil Procedure.

2. "COMMUNICATION" means any transmission of information (in the form of facts, ideas, inquiries or otherwise) from one person or entity to another, by any means.

3. "PERSON" means any natural person or any cognizable entity, including (without limitation) corporations, proprietorships, partnerships, joint ventures, consortiums, clubs, associations, foundations, governmental agencies or instrumentalities, societies and orders.

4. "RELATE TO," "RELATED TO," and "RELATING TO," as used herein, shall mean constituting, pertaining to, in connection with, reflecting, respecting, regarding, concerning, referring to, based upon, stating, showing, evidencing, establishing, supporting, negating, contradicting, describing, recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing, discussing, specifying, identifying or in any manner logically, factually, indirectly or directly, or in any other way connecting to the matter addressed in the request, in whole or in part.

5. The word "ANY" includes the word "ALL," and vice-versa.

6. "YOU," "YOUR" and "HOWREY" mean Howrey LLP and include its current and former associates, partners, members, employees, investigators, agents and anyone else acting on its behalf.

7. "COMPANY" means McAfee, Inc., (formerly known as Network Associates, Inc.) its divisions, offices, departments, as well as present and former agents, principals, partners,

members, employees, directors, subsidiaries, predecessors, accountants, auditors, attorneys, investigators, contractors, the board of directors and any committees thereof, and anyone else acting on its behalf, including all sister or other related corporations.

8. "GRANTS AT ISSUE" means Defendant Kent H. Roberts' February 14, 2000 stock option grant (also referred to as Defendant Kent H. Roberts' April 14, 2000 stock option grant); the stock option grants to George Samenuk dated January 2002; and Art Matin's October 30, 2001 new hire grant.

9. The connectives "AND" and "OR" shall be construed either disjunctively or conjunctively, as necessary to bring within the scope of the documents to be produced pursuant to this subpoena all documents that might otherwise be construed to be outside of its scope.

10. The use of the singular form of any word includes the plural and vice-versa, as necessary to bring within the scope of the subpoena all responses that might otherwise be construed to be outside of its scope.

11. Unless otherwise stated, the relevant timeframe for the documents to be produced pursuant to this subpoena is 1998 to the present.

## **II. INSTRUCTIONS.**

1. You shall produce any original of each document described below or, if the original is not in your custody, then a copy thereof, and in any event, all non-identical copies which differ from the original or from other copies produced for any reason, including, but not limited to, the making of notes thereon.

2. Produce all electronically stored information in full, including all metadata, in native format.

To the extent that any responsive documents have already been produced without redactions to the United States Department of Justice or the United States Securities and Exchange Commission under the bates numbers HO-00001 – HO-00202, MFE-SEC 000007 –

MFE-SEC 018106, MFE-USAO 000001 – MFE-USAO 009640, ME-00001 – ME-01710, OR SEC-00001 – SEC-00247, they need not be produced in response to this subpoena.

**III. DOCUMENTS TO BE PRODUCED.**

1. ALL reports AND draft reports prepared, in whole OR in part, by YOU for the COMPANY during the time period of May 15, 2006 to the present, produced in their entirety.

2. ALL DOCUMENTS, including, but not limited to, memoranda, analysis, conclusions, findings, notes, interview memoranda OR summaries prepared, in whole OR in part, by YOU in connection with ANY work performed for the COMPANY during the time period of May 15, 2006 to the present.

3. ALL COMMUNICATIONS between YOU OR the COMPANY with the Department of Justice (“DOJ”), Securities and Exchange Commission (“SEC”), OR New York Stock Exchange (“NYSE”) RELATED TO stock options.

4. ALL DOCUMENTS provided by YOU OR the COMPANY to the DOJ, SEC OR NYSE RELATED TO stock options.

5. ALL DOCUMENTS AND COMMUNICATIONS RELATED TO Project Shield.

6. ALL DOCUMENTS AND COMMUNICATIONS RELATED TO George Samenuk.

7. ALL DOCUMENTS AND COMMUNICATIONS RELATED TO Sylvia Garcia-Lechelt.

8. ALL DOCUMENTS AND COMMUNICATIONS RELATED TO Arthur Matin.

9. ALL DOCUMENTS created by YOU in connection with, OR that formed ANY part of the basis of, ANY representation by YOU to the DOJ, SEC OR NYSE, whether written OR oral RELATED TO stock options.